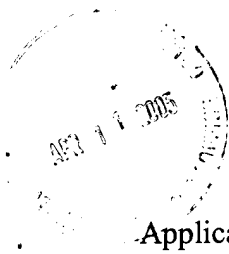


FTZ



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Alfred MONTELEONE  
                  : Brian WEIT  
Serial No. : PCT/US04/43520, Based on U.S. Patent Application  
                  : Serial No. 10/748,994, filed December 29, 2003  
Filed : December 27, 2003  
Priority Date : December 29, 2003  
Authorized Officers : Baharlou Simin  
                              : R. Meach  
Docket No. : WEISS PCT-1  
Title : MICROWAVE HEATING SYSTEM  
Customer No. : 27852

Certificate of Deposit of Mail

I hereby certify that this correspondence is being filed by depositing same in an envelope stamped first-class mail, addressed to Mail Stop: \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, in a duly marked U.S. Postal Service drop box, with appropriate postage, on 4-7-2005.

  
Clotilda Koncz

Mail Stop -  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**LETTER TO THE PATENT AND TRADEMARK OFFICE**

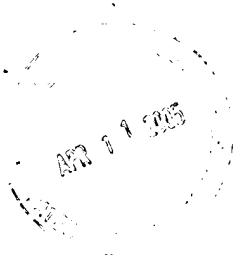
Transmitted herewith is a copy of my letter of April 6, 2005, forwarded to the International Bureau of WIPO.

Respectfully submitted,

LACKENBACH SIEGEL, LLP  
Attorneys for Applicant(s)

By:

  
J. Harold Nissen  
Reg. No. 17283  
Telephone No.: 914-723-4300  
Fax No.: 914-723-4301



**THE INTERNATIONAL BUREAU OF WIPO**

Applicant : Alfred MONTELEONE  
Brian WEIT

International Appl. No.: PCT/US04/43520, Based on U.S. Patent Application  
Serial No. 10/748,994, filed December 29, 2003

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Docket No. : WEISS PCT-1

Title : MICROWAVE HEATING SYSTEM

Customer No. : 27852

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

**PATENT COOPERATION TREATY**

With reference to the papers mailed 07 March, 2005 (07.03.2005), transmitted  
herewith is the required Form PCT/RO/101 (declaration sheet (iv)) (January 2004),  
transmitted herewith is the appropriate declaration of inventorship duly executed by both  
inventors.

Please acknowledge by facsimile (914-723-4301).

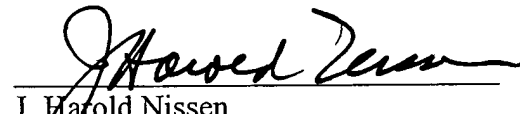
**REMARKS**

If anything further is required, please contact the undersigned.

Respectfully submitted,

LACKENBACH SIEGEL, LLP  
Attorneys for Applicant(s)

By:

  
J. Harold Nissen  
Reg. No. 17283  
Telephone No.: 914-723-4300  
Fax No.: 914-723-4301

Enclosure: Form PCT/RO/101

From the INTERNATIONAL BUREAU

# PCT

## INVITATION TO CORRECT DECLARATION(S) MADE IN THE REQUEST UNDER PCT RULE 4.17

(PCT Rules 4.17 and 26ter.2(a))

To:

NISSEN, Harold, J.  
c/o Lackenbach Siegel LLP  
One Chase Road  
Scarsdale, NY 10583  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year)	04 March 2005 (04.03.2005)
Applicant's or agent's file reference	REPLY DUE See below 4/27/2005
International application No. PCT/US2004/043520	International filing date (day/month/year) 27 December 2004 (27.12.2004)
Applicant H2 "OH" INC.	

1. The applicant is hereby **invited to submit to the International Bureau a corrected declaration** within the time limit indicated below and as explained in the Annex. The applicant's attention is drawn to the fact that the declaration has **not been examined** for compliance with national law requirements of the designated State(s) for which that declaration is made.

**When?** Within 16 months from the priority date, provided that any corrected declaration which is received by the International Bureau after the expiration of that time limit shall be considered to have been received on the last day of that time limit if it reaches it before the technical preparations for international publication have been completed (Rule 26ter.1)

**How?** By submitting a replacement sheet containing a corrected declaration accompanied by a letter explaining the correction (see Section 216). See Sections 211 to 215 for the applicable standardized wording.

**Where?** Directly to the International Bureau at the address indicated below.  
If the corrected declaration is submitted to the receiving Office, that Office shall mark the date of receipt on it and transmit it promptly to the International Bureau. The declaration shall be considered to have been submitted to the International Bureau on the date marked (see Section 317).

2. **Failure to correct the declaration within the time limit** will result in copies of the declaration, as **originally filed**, being communicated by the International Bureau to the designated Offices concerned according to Rule 47.1 (a-ter).

Any declaration received after the expiration of the time limit under Rule 26ter.1 will have to be submitted by the applicant directly to the designated Offices concerned; it is only in the case of a signed declaration of inventorship for the purposes of the designation of the United States of America (Rule 4.17(iv)) that the original declaration will be returned to the applicant (see Section 419(d)).

3. **In respect of national phase processing**, the applicant's attention is drawn to Rule 51bis.2 which provides that the designated Office shall not, unless it may reasonably doubt the veracity of the declaration concerned, require any document or evidence relating to the subject matter of any declaration complying with Rule 4.17(i) to (iv) which is contained in the request or submitted to the International Bureau or directly to the designated Office. Note, however, that Rule 51bis.2 may not apply in respect of certain States. For further information, see Notes to the request form, Box No. VIII.

4. A copy of this invitation is being sent to the receiving Office.

The International Bureau of WIPO 34, chemin des Colombettes, 1211 Geneva 20, Switzerland Facsimile No. (41-22) 338.71.30	Authorized officer R. Meach (Fax 338-71-30) Telephone No. (41-22) 338.92.66
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The International Bureau has found the following defect(s) in the declaration(s) listed below :

1. ☒ declaration as to the identity of the inventor (Rules 4.17(i) and 51*bis*.1(a)(i) and Section 211), in respect of:
- a. (name(s) included in the declaration): MONTELEONE, Alfred, WEIT, Brian  
☒ is not in the prescribed wording  
☐ other (specify): .....
- b. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ other (specify): .....
2. ☐ declaration as to the applicant's entitlement, as at the international filing date, to apply for or be granted a patent (Rules 4.17(ii) and 51*bis*.1(a)(ii) and Section 212), in respect of:
- a. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ other (specify): .....
- b. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ other (specify): .....
3. ☐ declaration as to the applicant's entitlement, as at the international filing date, to claim priority of the earlier application (Rules 4.17(iii) and 51*bis*.1(a)(iii) and Section 213), in respect of:
- a. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ other (specify): .....
- b. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ other (specify): .....
4. ☒ declaration of inventorship (only for the purposes of the designation of the United States of America) (Rules 4.17(iv) and 51*bis*.1(a)(iv) and Section 214), in respect of:
- a. (name(s) included in the declaration): MONTELEONE, Alfred, WEIT, Brian  
☐ is not in the prescribed wording  
☒ is not signed by all inventors named in the declaration  
☐ other (specify): is not dated
- b. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ is not signed by all inventors named in the declaration  
☐ other (specify): .....
5. ☐ declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51*bis*.1(a)(v) and Section 215), in respect of:
- a. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ other (specify): .....
- b. (name(s) included in the declaration): .....  
☐ is not in the prescribed wording  
☐ other (specify): .....

## Declaration as to the Identity of the Inventor

Declaration as to the identity of the inventor (Rules 4.17(i) and 51bis.1(a)(i)):  
in relation to [this] international application [No. PCT/...],

(i) ... (*name*) of ... (*address*) is the inventor of the subject matter for which protection is sought  
by way of [the] [this] international application

(ii) this declaration is made for the purposes of (*include as applicable*):

(a) all designations [except the designation of the United States of America]

(b) the following designations for national and/or regional patents: ...

## Declaration of Inventorship

Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv)) for the purposes of the designation of the United States of America:

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/... (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: ...

Residence: ... (city and either US state, if applicable, or country)

Mailing Address: ...

Citizenship: ...

Prior Applications: ...

Inventor's Signature: ... (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: ... (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

From the INTERNATIONAL BUREAU

# PCT

## NOTIFICATION CONCERNING SUBMISSION OR TRANSMITTAL OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

NISSEN, Harold, J.  
c/o Lackenbach Siegel LLP  
One Chase Road  
Scarsdale, NY 10583  
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 07 March 2005 (07.03.2005)	
Applicant's or agent's file reference	<b>IMPORTANT NOTIFICATION</b>
International application No. PCT/US04/043520	International filing date (day/month/year) 27 December 2004 (27.12.2004)
International publication date (day/month/year)	Priority date (day/month/year) 29 December 2003 (29.12.2003)
Applicant	H2 'OH' INC. et al

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. (If applicable) The letters "NR" appearing in the right-hand column denote a priority document which, **on the date of mailing of this Form**, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
3. (If applicable) An asterisk (\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document **submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b)** (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as the priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
29 December 2003 (29.12.2003)	10/748,994	US	31 January 2005 (31.01.2005)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

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Authorized officer

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